

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6075 of 1997

to

SPECIAL CIVIL APPLICATION No 6078 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
  2. To be referred to the Reporter or not?
  3. Whether Their Lordships wish to see the fair copy of the judgement?
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge?

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RAMJANBHAI ALIBHAI

Versus

STATION SUPERINTENDENT

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Appearance: In all these special civil applications :

None present for Petitioners

MR JJ YAJNIK for Respondents No. 1 and 2

None present for Respondent No. 3

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 15/12/97

ORAL JUDGEMENT

1. The respondent No.3 is neither necessary nor proper party to this special civil application and as such the name of respondent No.3 is ordered to be deleted from the record of all these four special civil

applications.

2. Rule. The counsel for the respondents No.1 and 2 waives service of rule on behalf of respondents No.1 and 2 in all these special civil applications. The matters are taken up for final hearing. Perused the special civil applications and heard the learned counsel for the respondents.

3. The petitioners were the licensed porters at the Ahmedabad Railway Station and challenge has been made to the order annexure 'C' under which their buckles were ordered to be cancelled.

4. One of the contentions raised in these special civil applications is that the order of cancellation of the buckles of the petitioners has been passed without giving any notice or opportunity of hearing to the petitioners.

5. The counsel for the respondents does not dispute this position that the order aforesaid has been passed without giving any notice or opportunity of hearing to the petitioners. However, the counsel for the respondents contended that in view of the agreement, annexure 'A' and particularly with reference to para-8 thereof, no notice or opportunity of hearing is required to be given before the buckles are ordered to be cancelled.

6. I do not agree with this contention for the reason that the cancellation of buckles directly affect the livelihood of the petitioners and this order has serious consequences and as such before passing such an order, notice or opportunity of hearing has to be given to the petitioners.

7. Only on this short ground, these petitions are allowed and the orders annexure 'C' dated 9-6-1997 of the respondent No.1 in all these special civil applications are quashed and set aside. However, the licences (buckles) of the petitioners shall remain under suspension till the matter regarding the cancellation of their buckles is decided by the authority concerned afresh. The respondents are directed to decide this matter within a period of two months from the date of receipt of writ of this order and in case the buckles of the petitioners are cancelled then a speaking order may be passed and copy of the same may be sent to the petitioners. In case of difficulty, liberty is granted to the petitioners for revival of these special civil

applications. Rule in all these special civil applications stand disposed of on the aforesaid terms with no order as to costs.

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zgs/-